



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,652	08/08/2001	Larry G. Felix	A-69489/AJT	5519

7590

03/13/2003

FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP
Suite 3400
Four Embarcadero Center
San Francisco, CA 94111-4187

EXAMINER

RAEVIS, ROBERT R

ART UNIT	PAPER NUMBER
----------	--------------

2856

DATE MAILED: 03/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/924,652

Applicant(s)

FELIX ET AL.

Examiner

Robert R. Rævis

Art Unit

2856

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) See Continuation Sheet is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) See Continuation Sheet is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 11.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Continuation of Disposition of Claims: Claims withdrawn from consideration are 8, 22, 17, 21/17, 18, 21/18, 23/18, 24/18, 19, 23/19, 24/19.

Continuation of Disposition of Claims: Claims rejected are 1, 3/1, 10/1, 2, 3/1, 9, 10/2, 4-7, 11-14, 20/14, 21/14, 15, 20/15, 21/15, 16, 20/16, 21/16.

DETAILED ACTION

1. Claims 1, 3/1, 4-7, 14, 20/14, 21/14, 2, 3/2, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rohrback 771' in view of Rohrback '348, and further in view of Farrell (GB 2 262 608).

Rohrback teaches every limitation of claim 1, but does not call the probe a "coupon", does not appear to refer to "rates" in the written specification, does not call for equal changes in resistance with equal changes in temperature between the corrosive and reference elements, and does not call for chemically inert "in a fireside environment".

As to claims 1, 3/1, 14; Rohrback's device may be coined a coupon as its structure physically varies in an environment for testing and is detachable as is a coupon. Also, as the term "rate" is in the claim's preamble, it does not appear to be a material limitation in this apparatus claim, but ⁱⁿ anycase, it is known to determine rates of corrosion, suggestive of making two measurements with Rohrback over a known time period. Finally, it would have been obvious to employ equal size test 13 and reference 12 elements in Rohrback '771 as Rohrback '348 teaches use of equally dimensioned elements 32 and 34 for corrosion sensors. Finally, Farrell teaches (page 4, last full paragraph) that corrosion sensor usage is desirable in the boiler, furnace industries. In addition, it is known that ceramic material has a thermal conductivity higher than other materials, and that it is even referred to as having a "high thermal conductivity".

6/25/03
RAW

As to claims 4, 5, 6, 7, 20/14, 21/14; Rohrbacks's call for any non-conductive substrate (col. 3, lines 17-20) is suggestive of any such material.

As to claims 2, 3/2, 9; Rohrback's '348 resistors 32 and 33 are dimensionally similar, suggestive of use of similar size resistors in Rohrback '771.

2. Claims 11, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rohrback '771 in view of Rohrback '348, and further in view of Farrell, and further in view of Schmidt.

Comments that exist above apply here. Also, as to claims 11 and 12; it would have been obvious to pass a current through both resistors 11, 12 of Rohrback '771 because Schmidt (clearly) teaches use a generator 8 to pass the same current through resistors to monitor corrosion.

As to claim 13; Rohrback's '348 resistors 32 and 33 are dimensionally similar, suggestive of use of similar size resistors in Rohrback '771.

3. Claims 10/1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rohrback '771 in view of Rohrback '348, and further in view of Farrell, as applied to claim 1 above, and further in view of Caldecourt.

As to claim 10/1; it would have been obvious to employ both sides of Rohrback's substrate because Caldecourt teaches positioning resistors on opposite sides of a substrate resulting in a smaller sensor.

4. Claims 10/2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rohrback '771 in view of Rohrback '348, and further in view of Farrell, as applied to claim 2 above, and further in view of Caldecourt.

As to claim 10/2; it would have been obvious to employ both sides of Rohrback's substrate because Caldecourt teaches positioning resistors on opposite sides of a substrate resulting in a smaller sensor.

5. Claims 15, 20/15, 21/15, 16, 20/16 and 21/16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rohrback '771 in view of Rohrback '348', and further in view of Farrell, as applied to claim 14 above, and further in view of Caldecourt.

As to claims 15, 20/15, 21/15; 16, 20/16 and 21/16; it would have been obvious to employ both sides of Rohrback's substrate because Caldecourt teaches positioning resistors on opposite sides of a substrate resulting in a smaller sensor.

Morowaki et al state that ceramic material has "high heat conductivity" (col. 10, lines 14-15).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert R. Raevis whose telephone number is 703-305-4919. The examiner can normally be reached on Monday to Friday from 6:30am to 4:00pm. The fax phone number for the organization where this application or proceeding is assigned is 703-308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4900.

R 06/12
RAEVI
AU2856